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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,954	08/08/2001	Shell S. Simpson	1008230-1	2018

22879 7590 03/05/2007  
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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER
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BLACKWELL, JAMES H

ART UNIT	PAPER NUMBER
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2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/923,954

Applicant(s)

SIMPSON ET AL.

Examiner

James H. Blackwell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-12,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-12,14 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/2006 has been entered.
2. The priority date is **08/08/2001**.
3. Claims 1-5, 8-12, 14, and 15 remain pending.
4. Claims 1, and 14-15 are independent claims.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 8-12, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeMole et al. (hereinafter LeMole, U.S. Patent No. 6,009,410 filed 10/16/1997, issued 12/28/1999).

**In regard to independent Claim 1 (and similarly independent Claims 14, and 15), LeMole discloses:**

- *a method for creating a customized composition at an assembling web site* (Col. 2, lines 28-46; → a server that automatically (for each time a user logs into the server via the web) produces composite advertising web pages based on user preferences), *comprising the steps of:*
  - *providing a user interface configured to enable a user to input preference data* (Col. 4, lines 36-58; Fig. 2; → web user interface for specifying user preferences which are stored on the advertising server as a profile of the user);
  - *automatically correlating the preference data to a plurality of different sources from which graphics related to the preference data are accessible* (Col. 4, line 47---Col. 5, line 22; → a user provides preference information, submits that information to the advertising server. The server then selects, based on the preference information (profile), advertisers whose information correlates to the user's preferences, constructs an HTML-formatted page with hyperlinks to each advertiser's individual site on the internet). Note that the hyperlinks can be represented by graphics (Col. 5, lines 2-3).
  - *for each of the plurality of different sources of graphics, automatically obtaining a reference to a graphic related to the preference data that is accessible from that source* (Fig. 1; Col. 4, line 47;---Col. 5, line 22; → an HTML-formatted page is constructed with hyperlinks (references) to aggregated content (banner ads, graphics, video, etc.) from different web

sites that correlate to what the user specified in their profile). Note, this function occurs whenever the user connects to the advertising web site (i.e., automatically).

- *creating a custom composition that includes each obtained reference to a graphic* (Col. 4, line 47---Col. 5, line 22; → a composition of hyperlinks is created and presented to the user).

LeMole fails to expressly disclose:

- *information for positioning each referenced graphic on a sequence of pages generated by processing the composition.*

However, it would have been obvious to one of ordinary skill in the art at the time of invention for advertisers to provide such layout/formatting information along with their advertisements for the purpose of promoting their “wares” over potential competition residing on the same page by having their graphic, banner, etc. placed in a specific location to “catch the eye” of the potential customer.

**In regard to dependent Claim 2, LeMole discloses**

- *the obtaining step comprises*
  - *obtaining a reference to a graphic accessible from a different web site from the assembling web site* (Col. 4, line 66---Col. 5, line 3; → on the aggregate html-formatted web page are provided hyperlinks to each advertiser's individual site on the internet).

**In regard to dependent Claim 3, LeMole discloses:**

- *at least one graphic is generated dynamically at the different web site, when the web site is accessed* (Col. 4, lines 47-58;→ targeted advertisement tailored/personalized for the individual based on their preferences).

Since the advertisements are *tailored/personalized* for the individual user's preferences, it would have been obvious to one of ordinary skill in the art at the time of invention to have dynamically generated images, banners, video clips, etc. based on user preferences to provide the user with the most pertinent information.

**In regard to dependent Claim 4, LeMole discloses:**

- *each of a plurality of the different sources are on different web sites from said assembling web site* (Fig. 1;→ various web sites other than the CAR server with advertising content including images, graphics, video, etc.).

**In regard to dependent Claim 5, LeMole discloses:**

- *the obtaining step comprises*
  - *accessing at least two different web sites and retrieving information therefrom* (Fig. 1; Col. 4, line 47---Col. 5, line 22;→ an HTML-formatted page is constructed with hyperlinks (references) to aggregated content (banner ads, graphics, video, etc.) from different web sites that correlate to what the user specified in their profile).

**In regard to dependent Claim 8, LeMole fails to expressly disclose:**

- *the custom composition designates a referenced graphic a position that is different relative to that of another referenced graphic.*

However, it would have been obvious to one of ordinary skill in the art at the time of invention for advertisers to provide such layout/formatting information along with their advertisements for the purpose of promoting their “wares” over potential competition residing on the same page by having their graphic, banner, etc. placed in a specific location to “catch the eye” of the potential customer.

**In regard to dependent Claim 9, LeMole discloses:**

- *at least one of the sources is a file* (Col. 2, lines 28-33; → advertising content can include static images, streaming banners, 3-D images, animation, video and/or audio clips. It was typical of such content, especially when provided by an advertiser to consist of both dynamic and static content. The latter of which was typically physically stored on the server as a file).

**In regard to dependent Claim 10, LeMole discloses:**

- *serving the composition to an imaging client* (Col. 1, lines 57-67; → composite advertising is served to a user’s web client (which is interpreted as a form of imaging client since browsers were typically capable of at least displaying images).

**In regard to dependent Claim 11, LeMole fails to expressly disclose:**

- *printing the composition.*

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However, it would have been obvious to one of ordinary skill in the art at the time of invention for a user of such an advertising aggregator to have printed obtained advertisements for the purpose of future reference (e.g., when shopping at a retail store or even online).

**In regard to dependent Claim 12, LeMole fails to expressly disclose:**

- *sending the composition by email to a designated web site.*

However, it would have been obvious to one of ordinary skill in the art at the time of invention for a user of such an advertising aggregator to have instructed the site to periodically email advertisements to an address since such a feature and a request was typically possible of such advertising web sites at the time of invention providing the user the benefit of avoiding direct access to the advertising web site each time, for example, new content was available.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-5, 8-12, 14, and 15 have been considered but are moot in view of the new ground(s) of rejection.



**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James H. Blackwell  
02/23/2007

  
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